

1                   A bill to be entitled  
2       An act relating to officer and firefighter physical  
3       examination requirements and records; amending s.  
4       112.18, F.S.; authorizing the use of specified  
5       physical examination for a presumption; amending s.  
6       943.13, F.S.; requiring an employing agency to  
7       maintain records of employee physical examinations for  
8       a specified period; creating a presumption if records  
9       are destroyed before that period has elapsed;  
10      providing an effective date.

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12   Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Paragraph (a) of subsection (1) of section  
15   112.18, Florida Statutes, is amended to read:

16       112.18 Firefighters and law enforcement or correctional  
17   officers; special provisions relative to disability.—

18       (1)(a) Any condition or impairment of health of any  
19   Florida state, municipal, county, port authority, special tax  
20   district, or fire control district firefighter or any law  
21   enforcement officer, correctional officer, or correctional  
22   probation officer as defined in s. 943.10(1), (2), or (3) caused  
23   by tuberculosis, heart disease, or hypertension resulting in  
24   total or partial disability or death shall be presumed to have  
25   been accidental and to have been suffered in the line of duty

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26 unless the contrary be shown by competent evidence. However, any  
27 such firefighter or law enforcement officer must have  
28 successfully passed a physical examination upon entering into  
29 any such service as a firefighter or law enforcement officer,  
30 which examination failed to reveal any evidence of any such  
31 condition. For a firefighter, the medical examination required  
32 by s. 633.412(5) may serve as the physical examination required  
33 under this paragraph, if such examination failed to reveal any  
34 evidence of any such condition. Such presumption does not apply  
35 to benefits payable under or granted in a policy of life  
36 insurance or disability insurance, unless the insurer and  
37 insured have negotiated for such additional benefits to be  
38 included in the policy contract.

39 Section 2. Subsection (6) of section 943.13, Florida  
40 Statutes, is amended to read:

41 943.13 Officers' minimum qualifications for employment or  
42 appointment.—On or after October 1, 1984, any person employed or  
43 appointed as a full-time, part-time, or auxiliary law  
44 enforcement officer or correctional officer; on or after October  
45 1, 1986, any person employed as a full-time, part-time, or  
46 auxiliary correctional probation officer; and on or after  
47 October 1, 1986, any person employed as a full-time, part-time,  
48 or auxiliary correctional officer by a private entity under  
49 contract to the Department of Corrections, to a county  
50 commission, or to the Department of Management Services shall:

51       (6)(a) Have passed a physical examination by a licensed  
52 physician, physician assistant, or licensed advanced practice  
53 registered nurse, based on specifications established by the  
54 commission. In order to be eligible for the presumption set  
55 forth in s. 112.18 while employed with an employing agency, a  
56 law enforcement officer, correctional officer, or correctional  
57 probation officer must have successfully passed the physical  
58 examination required by this subsection upon entering into  
59 service as a law enforcement officer, correctional officer, or  
60 correctional probation officer with the employing agency, which  
61 examination must have failed to reveal any evidence of  
62 tuberculosis, heart disease, or hypertension. A law enforcement  
63 officer, correctional officer, or correctional probation officer  
64 may not use a physical examination from a former employing  
65 agency for purposes of claiming the presumption set forth in s.  
66 112.18 against the current employing agency.

67       (b) The employing agency must maintain records of the  
68 physical examination for at least 5 years after the employee's  
69 separation from the employing agency. If the employing agency  
70 fails to maintain the records of the physical examination for  
71 the 5-year period after the employee's separation, it is  
72 presumed that the employee has met the requirement of paragraph  
73 (a).

74       Section 3. This act shall take effect July 1, 2022.